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KEVIN V. RYAN (CSBN 118321)  
United States Attorney

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ROBERT MICHAEL MCKIMMEY, )  
 )  
Defendant. )  
\_\_\_\_\_ )

No.  
VIOLATION: Title 18, United States Code,  
Sections 1832(a)(5) and 371 – Conspiracy to  
Commit Theft and Downloading of Trade  
Secrets, Fraud in Connection with  
Computers, and Interstate Transportation of  
Stolen Property  
SAN FRANCISCO VENUE

INFORMATION

The United States Attorney charges:

BACKGROUND

At all times relevant to this Information:

1. Business Engine Software Corporation (BES) was a privately funded company which manufactured, licensed, and provided enterprise application software products and services that allow companies to manage projects, resources, and budgets. It had offices in: San Francisco and Ontario, California; Virginia Beach, Virginia; New York, New York; Chicago, Illinois; King of Prussia, Pennsylvania; Belgium; the United Kingdom; and India.

INFORMATION



1 value exceeding \$5,000, knowing the same to have been stolen, converted, and taken by fraud from  
2 Niku.

3 9. It was further part of the conspiracy that the defendant would and did: (a) access Niku's  
4 computer network and applications without authorization; (b) steal, download, and copy things of  
5 value including Niku trade secrets; and (c) transmit some of those things of value including Niku  
6 trade secrets to other BES officers and employees – all so that BES could maintain a competitive  
7 edge over its direct competitor, Niku.

8 OVERT ACTS

9 10. In furtherance of the conspiracy and to effect its objects, the defendant committed,  
10 among others, the following overt acts in the Northern District of California and elsewhere:

11 a. Beginning in or about October of 2001, and continuing to in or about July of  
12 2002, the defendant knowingly accessed Niku's computer network and applications without  
13 authorization; and

14 b. Beginning in or about October of 2001, and continuing to in or about July of  
15 2002, the defendant stole, downloaded, and copied things of value including trade secrets from  
16 Niku's computer network and applications.

17 All in violation of Title 18, United States Code, Sections 1832(a)(5) and 371.

18 DATED: April 6, 2004.

19 KEVIN V. RYAN  
20 United States Attorney

21  
22 ROSS W. NADEL  
23 Chief, Criminal Division